IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 14667 of 2007(U)

PETITIONER:

JOSEPH.P.S., PARAVARAKATHU HOUSE,
THIDANAD P.O.,THIDANANDU,ERATTUPETTA,
NOW WORKING AS L.D.CLERK,MINOR IRRIGATION
DIVISION OFFICE, KOTTAYAM.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY
SECRETARY,LOCAL SELF GOVERNMENTS INSTITUTIONS,
SECRETRIAT,THIRUVANANTHAPURAM.

2. EXECUTIVE ENGINEER,
MINOOR IRRIGATION DIVISION,KOTTAYAM.

3. SUPERINTENDING ENGINEER,
MINOR IRRIGATION CIRCLE,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 14667 of 2007(U)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT-P1: TRUE COPY OF THE ADVICE MEMO OF THE PSC OFFICE, KOTTAYAM DATED 5/1/2006

EXHIBIT-P2: TRUE COPY OF THE APPOINTMENT ORDER OF THE 3RD RESPONDENT DATED 12/1/2006

EXHIBIT-P3: TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 2/3/2007

EXHIBIT-P4: TRUE COPY OF THE LETTER OF THE CHIEF ENGINEER DATED 28/3/2007 TO THE 3RD RESPONDENT

EXHIBIT-P5: TRUE COPY OF THE REPRESENTATION OF THE PETITIONER SUBMITTED TO THE 1ST RESPONDENT DATED 254/07

EXHIBIT-P6: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 4/6/07 TO THE 1ST RESPONDENT

EXHIBIT-P7: TRUE COPY OF THE TRANSFER ORDER OF THE CHIEF ENGINEER

EXHIBIT-P8: TRUE COPY OF THE LETTER OF THE GRAMA PANCHAYAT SECRETARY, KANJIRAPPALLY DATED 14/6/2007

/TRUE COPY/

P.A. TO JUDGE

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.14667 of 2007-U

Dated this the 19th day of June, 2007.

J U D G M E N T

The petitioner challenges Ext.P3 order. It is an order deploying him from the Minor Irrigation Department to Erattayar Grama Panchayat, Department of Local Self Government, in Idukki District. It is a common order, deploying 262 employees, from the Minor Irrigation Department, to the Department of Local Self Government Department. The petitioner submits, there are other vacancies in the Department of Local Self Government in Kottayam District and it was unnecessary to transfer him, to Idukki. So, he has preferred Ext.P5 representation, before the first respondent. He also claims to have filed another representation, on 4-6-2007. Many of the functions of the Minor Irrigation Department have been transferred to the Local Self Government Department. So, the employees of the Minor Irrigation Department are surplus. So, in order to avoid retrenchment of them, they are being deployed to the Department of Local Self Government. Since they are being paid from public funds,t hey should go and work in the deployed posts. Therefore, I find nothing illegal with the deployment of the petitioner. But, if the posting given to him

causes any inconvenience, he may file a representation. If Ext.P5 and the subsequent representation, stated to have been filed on 4-6-2007 are received and pending, the first respondent shall consider and pass orders on them, in accordance with law, within two months from the date of production of a copy of this judgment.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,
JUDGE.

MS